

# News Release



## **BASF announces progress in patent infringement cases against Cheminova and Makhteshim**

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RESEARCH TRIANGLE PARK, NC, January 10, 2012 - BASF Crop Protection, North America announced today a settlement of its lawsuit against Cheminova, A/S and Cheminova, Inc. in which BASF alleged imminent infringement of patents relating to the manufacture and use of fipronil, a leading insecticide approved by the EPA for prevention and elimination of insect infestations. Fipronil is marketed to the pest control marketplace by BASF as **Termidor® insecticide/termiteicide**, for termiteicide applications. The suit was originally filed in the United States District Court for the Middle District of North Carolina on April 8, 2010.

In the settlement, Cheminova acknowledged the validity and enforceability of BASF patents relating to the manufacture and use of fipronil-based termiteicide products. Cheminova will be restricted from using, making, selling, or offering to sell any such products until the respective patents expire. Further terms of the settlement were not disclosed.

In its case against Makhteshim Agan, BASF announced its decision to appeal a lower court decision in favor of Makhteshim related to the use of fipronil-based termiteicide. The case will be filed with the United States Circuit Court of Appeals for the Federal Circuit, which has exclusive jurisdiction over patent appeals and will review the case without deference to the lower court decision. The decision did not affect the validity or enforceability of BASF manufacturing patents for fipronil.

“Innovation is a way of life at BASF that has led to significant improvement in the products we can offer pest control professionals,” said Jan Buberl, Director of Specialty Products, BASF North America Crop Protection. “We are confident in our intellectual property rights and are committed to vigorously protecting our investments in innovation for this marketplace.”

For more information about BASF Pest Control Solutions or to find a BASF Sales Specialist in your area, please visit [pestcontrol.basf.us](http://pestcontrol.basf.us).

### **About the Crop Protection division**

With sales of €4.0 billion in 2010, BASF's Crop Protection division is a leader in crop protection and a strong partner to the farming industry providing well-established and innovative fungicides, insecticides and herbicides. Farmers use these products and services to improve crop yields and crop quality. Other uses include public health, structural/urban pest control, turf and ornamental plants, vegetation management, and forestry. BASF aims to turn knowledge rapidly into market success. The vision of BASF's Crop Protection division is to be the world's leading innovator, optimizing agricultural production, improving nutrition, and thus enhancing the quality of life for a growing world population. Further information can be found on the web at [www.agro.basf.com](http://www.agro.basf.com) or follow us on twitter: [www.twitter.com/basfagro](http://www.twitter.com/basfagro)

### **BASF – The Chemical Company**

BASF Corporation, headquartered in Florham Park, New Jersey, is the North American affiliate of BASF SE, Ludwigshafen, Germany. BASF has approximately 16,400 employees in North

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America, and had sales of \$17.7 billion in 2010. For more information about BASF's North American operations, visit [www.basf.us](http://www.basf.us).

BASF is the world's leading chemical company: The Chemical Company. Its portfolio ranges from chemicals, plastics, performance products, and agricultural products to oil and gas. As a reliable partner, BASF creates chemistry to help its customers in virtually all industries to be more successful. With its high-value products and intelligent solutions, BASF plays an important role in finding answers to global challenges, such as climate protection, energy efficiency, nutrition and mobility. BASF posted sales of more than €63.9 billion in 2010 and had approximately 109,000 employees as of the end of the year. Further information on BASF is available on the Internet at [www.basf.com](http://www.basf.com) or in the Social Media Newsroom at [newsroom.basf.com](http://newsroom.basf.com).

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